

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CV 14-352 RB/WPL

8965 ARROYO ROAD,
LAS CRUCES, NEW MEXICO 88012,

Defendant,

and

LUZ A. DOMINGUEZ,

Claimant.

ORDER

This matter comes before me on the United States's Second Motion to Compel Discovery. (Doc. 36.) Claimant Luz Dominguez filed a response (Doc. 37), and the United States filed a reply (Doc. 38). Dominguez and counsel for both parties appeared before the Court on October 14, 2014, for a hearing on a previous Motion to Compel Discovery. (Doc. 26.) As explained below, I grant the United States's Second Motion to Compel Discovery.

Dominguez is again reminded that she has waived any objections by failing to respond to the United States's interrogatories and requests for production in a timely manner. FED. R. CIV. P. 33(b)(4); *see Horace Mann Ins. Co. v. Nationwide Mut. Ins. Co.*, 238 F.R.D. 536, 538 (D. Conn. 2006) ("courts have reasoned that Rule 33(b)(4) type waiver should be implied into all rules involving the use of the various discovery mechanisms"); *Cargill, Inc. v. Ron Burge Trucking, Inc.*, 284 F.R.D. 421, 424 (D. Minn. 2012) (adopting the Rule 33(b)(4) waiver into Rule 34); *Pulsecard, Inc. v. Discover Card Servs., Inc.*, 168 F.R.D. 295, 302 (D. Kan. 1996).

Because Dominguez waived any objections by failing to respond in a timely fashion, she is obligated to respond to all outstanding interrogatories and requests for production (i.e., Request No. 1, Interrogatory No. 1, and Interrogatory No. 3).

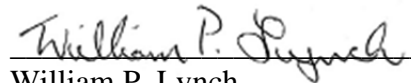
As to Request No. 1, Dominguez shall provide proof of insurance for her 2010 Dodge vehicle, vehicle identification number 2D4RN5D11AR210092. Additionally, she will provide vehicle registration and proof of insurance for any vehicle belonging to her spouse. If her spouse neither owns nor possesses any vehicles, Dominguez will so indicate in her response.

As to Interrogatory No. 1, Dominguez will supplement her list of addresses to include the address of her son's apartment in Denver, Colorado, and the address listed on her driver's license. Additionally, Dominguez will clarify the dates during which she resided at each address to explain any discrepancies in her documentation as noted in the United States's reply. (*See* Doc. 38 at 4.)

As to Interrogatory No. 3, Dominguez will provide the criminal charges against each individual she listed, including whether the individual was ultimately convicted of a criminal offense.

Dominguez is ordered to comply with the United States's discovery requests and tender appropriate responses consistent with this Order by **March 2, 2015**. Failure to comply with this order may have serious consequences, up to and including a default judgment in favor of the United States or the institution of contempt proceedings.

IT IS SO ORDERED.


William P. Lynch
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any pro se party as they are shown on the Court's docket.